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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,111	06/14/2001	Albert T. Chow	003493.82510	7918
28317	7590	02/25/2005	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR AT & T CORP 1001 G STREET, N.W. ELEVENTH STREET WASHINGTON, DC 20001-4597			WONG, BLANCHE	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/881,111		CHOW ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Blanche Wong		2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-43 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-14, 18 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 15-17, 19-21 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Nov24'03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,7,9-14,18,22-24,26-27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bossemeyer, Jr. et al. (U.S. Pat No. 6,335,936).

With regard to claims 1 and 22, Bossemeyer discloses an ATM network 526 (broadband packet network) via protocol translator 512 (access functions) to a hub 514 (RBN) that is connected to a plurality of devices 516-518 (a plurality of local RBN devices) via DSL-1 (broadband transport network). Fig. 18, col. 16, ln. 37-col. 17, ln. 24. It is inherent that there is call and service termination functions (among the access functions) to connect between the ATM network 526 (call functions) to one of a plurality of devices 516-518 (termination functions) (altogether service functions) because in

order to connect any call or have connection service, there must be a caller and callee where the call is initiated and terminated respectively.

With regard to claims 2 and 23, Bossemeyer further discloses a network interface device 504 (MTA coupled to AP). Fig. 18.

With regard to claims 3 and 24, Bossemeyer further discloses a network interface device 504 (MTA & AP in a single unit). Fig. 18.

With regard to claim 7, Bossemeyer further discloses an ATM network 526 (broadband packet network) coupled to DSL-1 (broadband transport network). Fig. 18.

With regard to claims 9 and 10, Bossemeyer further discloses the NID separates an ISDN channel from a digital subscriber channel, col. 16, ln. 43-45 (establishing analog and digital communication channels).

With regard to claim 11,12,26,27, Bossemeyer further discloses a LAN 654, Fig. 21, col. 18, ln. 23 (residential network) and business network, col. 18, ln. 56-59.

With regard to claim 13, Bossemeyer further discloses Ethernet, col. 16, ln. 58.

With regard to claim 14, Bossemeyer further discloses telephone 572 and fax 566,574 (home devices and resources, appliances capable of communicating with said access port), computer 568 (computing devices). Fig. 19, col. 17, ln. 38-54.

With regard to claim 18, it is inherent that instructions and information are exchanged in order to establish communication because in order to establish a call, from caller to callee, instruction such as dial tone and information such as a telephone number or identifier, are provided in exchange.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4,8,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bossemeyer.

With regard to claim 4, Bossemeyer discloses the method according to claim 1, and call and service termination functions (see cl. 1) and access port (see cl. 2). However, Bossemeyer fails to explicitly show the call and service termination functions that are provided by an access port sending and receiving wireless signals to a plurality of local RBN devices.

A person of ordinary skill in the art would have been motivated to employ a cordless or wireless phone in place of the telephone 572 in Fig. 19 of Bossemeyer, in order to obtain cordless or wireless mobility. The communication between a cordless or

wireless phone and access point shows a sending and receiving wireless signals to a local RBN device. The suggestion/motivation to do so would have been to provide for a distribution network with wireless capability. At the time the invention was made, therefore, it would have been obvious to one of ordinary skills in the art to which the invention pertains to use cordless or wireless phone to obtain the invention as specified in claim 4.

With regard to claim 8, Bossemeyer discloses the method according to claim 1. However, Bossemeyer fails to explicitly show a plurality of local RBN devices that are wireless.

A person of ordinary skill in the art would have been motivated to employ a cordless or wireless phone in place of the telephone 572 in Fig. 19 of Bossemeyer, in order to obtain cordless or wireless mobility. A cordless or wireless phone is a local RBN device that is wireless. The suggestion/motivation to do so would have been to provide for a distribution network with wireless capability. At the time the invention was made, therefore, it would have been obvious to one of ordinary skills in the art to which the invention pertains to use cordless or wireless phone to obtain the invention as specified in claim 8.

With regard to claim 25, Bossemeyer discloses the method according to claim 22. However, Bossemeyer fails to explicitly show sending and receiving wireless signals to a plurality of local RBN devices.

A person of ordinary skill in the art would have been motivated to employ a cordless or wireless phone in place of the telephone 572 in Fig. 19 of Bossemeyer, in order to obtain cordless or wireless mobility. The communication between a cordless or wireless phone and access point shows a sending and receiving wireless signals to a local RBN device. The suggestion/motivation to do so would have been to provide for a distribution network with wireless capability. At the time the invention was made, therefore, it would have been obvious to one of ordinary skills in the art to which the invention pertains to use cordless or wireless phone to obtain the invention as specified in claim 25.

***Allowable Subject Matter***

6. Claims 28-43 are allowed.
7. Claims 5-6,15-17,19-21,44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BW, February 3, 2005

*BW*

*Chau T. Nguyen*  
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